

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

ROBERT ALAN ANTON,

Plaintiff,

vs.

CV F 05 0412 OWW WMW P

ORDER VACATING FINDINGS AND  
RECOMMENDATIONS

LT. RUIZ, et al.,

Defendants.

On October 22, 2007, findings and recommendations were entered, recommending dismissal of this action for Plaintiff's failure to prosecute. The Court dismissed the original complaint with leave to amend, and Plaintiff has filed a first amended complaint. Plaintiff sought leave to file a second amended complaint, which the Court granted. Despite an extension of time, Plaintiff has yet to file a second amended complaint.

The Court will grant Plaintiff an opportunity to file a second amended complaint. Should he fail to do so, this action will proceed on the April 11, 2006, first amended complaint.

Accordingly, IT IS HEREBY ORDERED that:

1. The October 22, 2007, recommendation of dismissal is vacated.

1           2. Plaintiff is granted an extension of time of thirty days from the date of service of this  
2 order in which to file a second amended complaint. Should Plaintiff fail to do so, this action will  
3 proceed on the April 11, 2006, first amended complaint.

4 IT IS SO ORDERED.

5 **Dated: December 18, 2007**

**/s/ William M. Wunderlich**  
UNITED STATES MAGISTRATE JUDGE